IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

(SUO MOTU) CONTEMPT PETITION NO.358 OF 2006
IN
APPEAL FROM ORDER NO.373 OF 2006

High Court on its own motion

V/s.

Mr.Dipendra Binoy Dey & Anr. ..Respondents. (Respdt.Nos.2 and 3 in A.O.)

Mr.Dipendra B. Dey, respondent No.2 in person.

Mr.A.K.Abhyankar, Sr.Advocate appointed as amicus curiae with Mr. S.M.Gorwadkar for respondent No.3.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 8, 2007.

P.C. :

1. The respondent No.2 in A.O. has appeared in person. He informs that he has issued 60 post dated cheques in favour of the Respondent No.3 in A.O., towards monthly maintenance. The respondent No.3 is also present in the Court and accepts this position.

2. Respondent No.2 further assures to this Court that he will ensure that not even a single default is committed in realisation of post dated cheques already issued. He also assures to issue further cheques towards maintenance payable to the respondent

No.3, as and when occasion arises. He also assures that in case of change of his residential address, he will not only inform the respondent No.3, but also send intimation to the Registry of this Court, so that the latest address of the respondent No.3 is always available on record to this Court.

3. Assurances given by the respondent No.3 in the above terms are accepted.

4. In view of the above, it is unnecessary to precipitate the matter further. Hence, disposed off.

5. However, it is made clear that it will be open to the respondent No.3 to revive the present proceeding and/or to consider taking action for aggravated contempt against the respondent No.2, as and when occasion arises. If such application is made, that will be considered on its own merits in accordance with law.

6. It is once again made clear that it will be open for the parties to pursue their claims against each other in the proceeding pending before the Lower Court and the said claims will have to be considered on its own merits in accordance with the law.

Needless to observe that this observation would not preclude the respondent No.3 to seek appropriate relief before the lower Court in relation to the stridhan property, if any.

7. Papers be consigned to record in view of the above observations.